

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Viengsamay Chaleunphong

v.

Civil No. 18-cv-1093-JL

Strafford County Department
of Corrections Superintendent
Christopher Brackett and U.S.
Immigration and Customs Enforcement
Boston Field Office Director Todd Lyons¹

O R D E R

Before the court is Viengsamay Chaleunphong's petition for a writ of habeas corpus under 28 U.S.C. § 2241 (Doc. No. 1), which petitioner filed while in the custody of Immigration and Customs Enforcement ("ICE") at the Strafford County Department of Corrections ("SCDC"). The petition is before the court to determine whether it is facially valid and may proceed. See Rule 4 of the Rules Governing Section 2254 Cases ("§ 2254 Rules"); see also § 2254 Rule 1(b) (authorizing court to apply § 2254 Rules to § 2241 petitions); LR 4.3(d)(4).

The petition (Doc. No. 1) includes claims that warrant service. Service upon respondent Todd Lyons shall be effected by the clerk's delivery of the Petition (Doc. No. 1) and this Order to the United States Attorney for the District of New Hampshire, and by sending the same documents by certified mail

¹Although the petition names the Strafford County Sheriff as a respondent, the sheriff is not in fact petitioner's custodian and is not properly named as a respondent.

to the ICE Boston Field Office, 1000 District Ave., Burlington, MA 01803; and to the United States Attorney General and the Homeland Security Secretary in Washington, DC. Service upon SCDC Superintendent Christopher Brackett shall be effected by providing the same documents to the U.S. Marshals Service for service upon Brackett, pursuant to Fed. R. Civ. P. 4(j)(2).

Respondents shall respond to the petition within seven days. Respondents shall provide this court with at least 48 hours advance notice of any scheduled removal or transfer of Petitioner out of this court's jurisdiction.

The clerk's office is directed to immediately provide a copy of this order to the District of New Hampshire United States Attorney's Office Civil Bureau Chief David Plourde. Any party may request a telephone conference with the court at any time, including prior to service of the petition upon respondents.

SO ORDERED.



Joseph N. Laplante
United States District Judge

November 26, 2018

cc: Ronald L. Abramson, Esq.
Kerry E. Doyle, Esq.
David Plourde, Esq.